

February 12, 2008

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUITElisabeth A. Shumaker
Clerk of Court

KIRT RIPPSTEIN; JACK
PETERSON; ALLEN PEARSON;
JERRED LEFEVRE; TROY
MORGAN,

Plaintiffs - Appellants,

v.

SEVIER COUNTY; PHIL
BARNEY, Sevier County Sheriff,

Defendants - Appellees.

No. 08-4017
(D.C. No. 2:06-CV-01063-BSJ)

ORDER

Before **KELLY, HARTZ**, and **HOLMES**, Circuit Judges.

This court lacks jurisdiction over this appeal because the orders being appealed are not final or otherwise immediately appealable.

The plaintiffs appeal an order of the district court denying their motion to amend their complaint and the order denying reconsideration of the denial. The case is still on-going in the district court.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291,

and specific types of interlocutory orders not applicable here. A final decision is one that “‘ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.’” *Cunningham v. Hamilton County*, 527 U.S. 198, 204 (1999) (quoting *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521-22 (1988)).

Accordingly, this appeal is **DISMISSED**.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney